

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, June 3, 2013

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman Zimmerman.

1. **Walkersville Market** – Ms. Vahle stated this establishment filed their renewal but did not renew their license because there was a tax issue with the Comptroller's Office. The Board denied their request to renew. The new property owners will be here to meet with the Board today.
2. **Brookside Inn** – The Board had given tentative approval in March for their outside area. A complaint was received from a neighbor protesting this outside area.

MOTION: Mrs. Hays made a motion to reconsider this decision.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. ***Aye – 2 Nays – 0***
(Motion Passed)

The Board wants to schedule a hearing with both the licensee and the neighbors to discuss this matter before the Board makes a final decision.

3. **Hinode** – Ms. Vahle stated they requested to extend their hours until 2AM. Then they requested it again to have DJ and Latin dancing. Ms. Vahle contacted the City to find out if they would allow them to have live entertainment and Gabrielle Dunn replied that they have to apply for a Conditional Use approval by the Board of Zoning Appeals in order to get approval for a restaurant to have entertainment.
4. **Dominick's Italian Kitchen** – Ms. Vahle stated they requested to have an outside area, the Board will have to vote on this today as well as their application for a license.
5. **Outside Area Compliance Letter** – Ms. Vahle discussed with the Board the letter to be sent out to all licensees with outside areas.
6. **Replay Café** – Ms. Vahle stated this establishment has submitted a request to hold a Safe and Sane event all night with minors attending. The alcoholic beverages will be locked away. The Board approved this request.
7. **East Patrick Liberty Gas** – Ms. Vahle stated that the applicant could not find her Certificate of Naturalization and has asked the Board to allow her to submit a copy of her passport and apply for a duplicate to go forward with the application. This could take six months. The Board will allow the applicant to reapply for the certificate.
8. **JR's Sports Bar** – This establishment is requesting an outside area and Inspector DeLauter has been out to advise them about this area. Ms. Vahle will ask the licensees to get back to her regarding what music or entertainment will be held outside. The Board will go look at this area before giving their decision.
9. **Notification for Outside Areas** – Mrs. Hays asked about notifying the surrounding neighbors of outside areas/patios or posting a notice on the property. Ms. Vahle will discuss this with Mrs. Thall, County Attorney.
10. **Appeal for Cellar Door** – The appeal case is scheduled for June 17, 2013. Ms. Vahle will email the Board with the time.
11. Decision Required: New

RE: Dominick D. D'Antona and
James C. Reeder, Jr. for
the use of D3 Foods, LLC

t/a Dominick's Italian
Kitchen
5227 Presidents Ct.
Frederick, MD 21703
Class B, On Sale, Beer and Light Wine

Ms. Vahle swore in the applicants (See attached Sign In Sheet). A request for a Power of Attorney for James Reeder was approved by the Board. The pending items are: Final Zoning and the Occupancy Permit. Inspector DeLauter stated they are compliant and also the outside area. Mr. Zimmerman asked what type of fence is being used for the barrier. Mr. D'Antona, the licensee stated there are large planters with 4 x 4 posts with metal chains attached from post to post 42 inches in height.

MOTION: Mrs. Hays made a motion for a conditional approval until July 1, 2013.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

MOTION: Mrs. Hays made a motion for approval of outside area.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

12. Decision Required: New

RE: Tha Samreth, Thana
Srasvoleak and Kane Poe
Shim for the use of
Samreth Thana Corp
t/a Market Basket
7005 Blue Mountain Rd.
Thurmont, MD 21788
Class A, Off Sale, Beer and Light Wine
Sunday Permit

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The Board approved a Power of Attorney for Kane Poe Shim who was called to active Reservist Duty for two weeks. The pending items are: the final Zoning and the Occupancy Permit and the Inspector's Report. The applicant stated the approvals should be done within a month and he hopes to have two to three employees in the future. He was advised when he does have employees he must provide proof of Worker's Compensation Insurance.

MOTION: Mrs. Hays made a motion for a conditional approval until July 1, 2013.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

13. Decision Required: New

RE: Donna M. Zukus and
Patrick W. Johnson for the
use of Viniculture LLC
t/a Viniculture
20 N. Market St.
Frederick, MD 21702
Class B, On Sale, Beer and Light Wine

Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: the final Zoning and the Occupancy Permit, the Fire Marshal, Health Department, final Retail Sales tax license, final Lease, Alcohol Awareness and the Inspector's Report. Donna Zukus stated they are going to close on the property on June 11, 2013. They will get the permits and plan to be open by January 1, 2013.

MOTION: Mrs. Hays made a motion for a conditional approval until January 6, 2014.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

14. Decision Required: approval of the Public Meeting Minutes for May 13, 2013.

MOTION: Mrs. Hays made a motion to approve the Public Meeting Minutes for May 13, 2013.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mrs. Hays - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 2 Nays – 0**
(Motion Passed)

15. **Walkersville Market** – The application was filed to renew and the license was not picked up. The license could not be renewed due to taxes that were owed. There has not been a clearance from

the Comptroller's Office as of this date. The licensee is requesting to be allowed to pick up the license late. The Board voted not to approve the request.

ADJOURN

The meeting was adjourned at 9:36 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees